

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. 02000-69

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, ESTABLISHING A SURFACE WATER
SYSTEM DEVELOPMENT DEPOSIT**

WHEREAS, new land use development may cause additional surface and storm water runoff problems if not properly mitigated through constructed improvements; and

WHEREAS, developers should pay a fair and equitable portion of the cost of off-site drainage improvements which become necessary due to their projects; and

WHEREAS, the City has determined the rates cities of similar size in the immediate area charge developers to connect their development projects to city surface water systems; and

WHEREAS, the City of Sammamish is currently conducting a study to establish the criteria to determine the fair and equitable share of such costs; and

WHEREAS, development projects granted permits before the completion of the City's study should also pay a fair and equitable share of the cost of mitigating their increase in surface water runoff;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Surface Water System Development Deposit Authorized.

A. Director of Community Development Authorized to Collect Deposits.

The Director of Community Development is authorized to charge a surface water system development deposit for all building permits issued by the city. These deposits shall be \$450.00 per 2500 square feet of impervious surface authorized for construction under the building permit and \$45.00 for each additional 250 square feet of impervious surface beyond the minimum area. All impervious surface areas shall be rounded to the nearest 250 square foot increment. Such deposits are in addition to any requirements of the city for on-site improvements.

B. Deposits Collected Until Actual Costs Established.

Such deposits shall be collected until the city completes a study establishing the actual cost of the off-site surface water drainage improvements necessitated by new development, and that study is evaluated by staff and adopted by the City Council.

C. Disposition of Funds Collected.

All deposits collected under this ordinance shall be placed in a separate interest-bearing fund. **Deposits to this fund shall accrue monthly interest at the rate paid by the Washington State Local Government Pool.** Once the study is adopted by the City Council, developers who have paid such deposits **and have not yet sold the property** shall be charged the actual cost of mitigation, with the deposit being applied to the cost. If the actual cost is lower than the deposit, the overage shall be returned to the developer with interest. If the actual cost is higher than the deposit, the developer shall be billed for the difference.

D. Charges Shall be Liens.

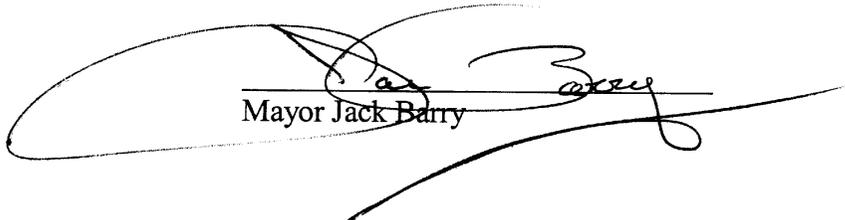
All charges made under this ordinance shall constitute a lien upon the property from which such charges are due, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien shall be in the manner provided by law.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 23rd DAY OF AUGUST 2000.

CITY OF SAMMAMISH


Mayor Jack Barry

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk: August 3, 2000
Passed by the City Council: August 23, 2000
Date of Publication: August 26, 2000
Effective Date: August 31, 2000

